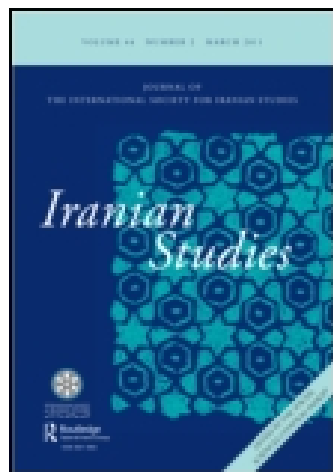


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Sarah Stewart

## The Politics of Zoroastrian Philanthropy and the Case of Qasr-e Firuzeh

*In Iran and India religious philanthropy has been a feature of Zoroastrian piety as well as providing the means by which both communities have prospered throughout their respective histories. In Iran an elaborate structure for the regulation of charitable donations was already in place during the Sasanian period and laid the foundation for the laws governing pious foundations, awqāf, after the Islamic conquest. The increased interaction between Iranian Zoroastrians and Parsis from the mid-nineteenth century onwards led to the expansion of the Tehran Zoroastrian community and the rise of a wealthy merchant class which in turn enabled philanthropic activity to flourish. This development will be discussed here with reference to a particular vaqf, that of the first āramgāh or Zoroastrian cemetery to be established in Tehran in the early twentieth century. The case of Qasr-e Firuzeh spans three successive governments in Iran and gives an insight into the management of a charitable endowment within different political contexts.*

In contrast to India and the wider diaspora, Zoroastrian minority status in Iran has been determined by religion alone, rather than by the twin criteria of religion and ethnicity. It is, therefore, people's identity as Zoroastrians rather than as Iranians that has had continuously to be negotiated in order for them to practice their religion and survive as a community. During the centuries that followed the Arab conquest of Iran, Zoroastrians suffered at worst active persecution and at best marginalization. By the Qajar period (1794–1925) their numbers had dwindled to less than 10,000 adherents Iran-wide.<sup>1</sup>

From the mid-to-late nineteenth century—and mainly as a result of Parsi intervention—the condition of Zoroastrians in Iran began to improve. The increase in prosperity through business and landownership, with continued economic support from India, meant that religious philanthropy was able to flourish. The internal governance of the community was structured through the establishment of *anjomans*, and the priesthood through the introduction of the Mobedān Council. Since all Zoroastrian charitable foundations were registered with a government

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<sup>1</sup>Maneckji Limji Hataria, "A Millennium of Misery: Travels in Iran: 2," *Parsiana* (January 1990): 35 (abridged and edited by *Parsiana* from the English translation by Jamshed M. Bilimoria of M. L. Hataria, *Rishale Ej Har Shyaate Iran*).

department,<sup>2</sup> Zoroastrian leaders of the community were brought increasingly into contact with government at both local and national levels. Over the last 200 years, a number of Zoroastrian philanthropists have become household names in Iran just as their charitable work has become well known in the diaspora and among scholars of Zoroastrianism. However, there has been little discussion about what happened to charitable foundations *after* they were established.<sup>3</sup> The vicissitudes of modern Iranian history are such that the management of endowments was often subject to protracted negotiations between *anjomans* and government departments and ministries. This paper approaches the idea of religious charity through an account of a particular endowment or *vaqf* (pl. *awqāf*), using it as a means by which to view Zoroastrian philanthropy and its development in Iran within different historical contexts. The case in question is that of Qasr-e Firuzeh, the name given to the first *ārāmgāh* or Zoroastrian cemetery to be established in Tehran in the early twentieth century. It began with the acquisition of land by the Tehran Zoroastrian Anjoman (TZA) in 1935 and remains ongoing. Over a period that spans three successive governments—that of Reza Shah Pahlavi (1925–41), Mohammad-Reza Shah Pahlavi (1941–79) and the Islamic Republic of Iran—the preservation and management of this particular endowment, one that was of great importance to the Tehran Zoroastrian community, became increasingly politicized.

The elaborate structure for the regulation of charitable donations that existed during the Sasanian period will serve as an introduction to the system of *vaqf*, variously translated as bequest or dedication, or pious foundation, which was established after Iran became a Muslim land. There is little recorded evidence of Zoroastrian charitable activity in the centuries that followed the Arab conquest, although religious texts continued to advocate its importance as a moral obligation. Community records of charitable donations in Iran began with the establishment of Zoroastrian *anjomans* in the mid-nineteenth century and have been held in *anjoman* archives from that time.<sup>4</sup> The role of the Parsis will be mentioned briefly in this connection, for it was Parsi philanthropy on Iranian soil that gave impetus to the growth of modern Zoroastrian charitable institutions.

The religious dimension of Zoroastrian philanthropy is underpinned both theologically and doctrinally. The relationship between philanthropy and eschatological reward is recognized by Zoroastrians, both Iranian and Parsi, whatever approach

<sup>2</sup>For a discussion of the administration of charitable endowments generally, see Ann K. S. Lambton, *Landlord and Peasant in Persia* (Oxford, 1969, first printed 1953): 230–37.

<sup>3</sup>The likely reason for this has been the paucity of accessible documentation inside Iran. The recently published Feroz Pūrūstāmi, ed., *Anjoman-e Zartoshtiyān-e Tebrān: Yek Sadeh Talāsh va Khedmat* (Tehran, 2008), provides some early documents, but these are often without dates. I am grateful to the Tehran Zoroastrian Anjoman for their cooperation and assistance with this research.

<sup>4</sup>The earliest financial records of the TZA (dating from the beginning of the twentieth century) show the contributions of Parsi benefactors from Bombay, Shanghai and Moscow, as well as the growing number of Iranian Zoroastrians who were in a position to make *vaqf* endowments. See Sarah Stewart, in collaboration with Mandana Moavenat, *Zoroastrianism in Iran: A Contemporary Perspective* (forthcoming).

they may have towards their religion. Since everyone is accountable for the fate of their own soul at death the moral imperative to perform righteous deeds is unequivocal. The eschatological doctrine of individual and universal judgments contained in the story of creation, *bundahishn*, provides a prototype for the balance that is kept, according to Zoroastrian religious teaching, between the responsibility that man has towards himself and to society. In striving to fulfill both criteria, Zoroastrians believe they can enhance the quality of the *gētīg* or material world, and hasten the return to its original state of perfection in which evil will be banished for all time. The performance of good actions, therefore, addresses both the spiritual needs of the individual as well as the practical needs of society. One of the foremost ways of performing such actions has been through religious charity. Whether privately endowed family memorials or religious institutions, places of worship and ritual precincts, as well as civic facilities—most are the result of pious foundations.

*The Transition of Religious Charity from the Sasanian to the Islamic System*

In modern Iran the *Sāzmān-e Awqāf-e Iran* is the government institution in charge of *vaqf* lands and the registration of all charitable trusts and endowments. Although associated with Islamic law, *awqāf* is nonetheless an institution that pre-dates Islam in Iran. There is some debate as to whether the laws governing *awqāf* in predominantly Muslim states derive from Arab or Persian sources, but there seems little doubt that the legal system in place at the time of the Arab conquest of Iran paved the way for the structure that followed.

In Iran, at least from Sasanian times, religious philanthropy played a part in the polity or way in which civil society was ordered. The establishment of a pious foundation, whether for private or public benefit, was an indication of a person's position in society. Family endowments ensured an income in perpetuity for descendants and their families and were subject to laws of inheritance and taxation. Private endowments dedicated to public welfare such as the building of fire temples, bridges and canals provided facilities for citizens that in modern times would be provided by the state.

The Sasanian law book, *Hazār dādestān* or *The Book of a Thousand Judicial Decisions*, compiled during the reign of Khusrau II (591–628 CE) is the main source of information concerning the judicial system; it also provides insights into the way society was organized.<sup>5</sup> Of primary importance was the family unit, followed by the agnatic group, which consisted of several generations of patrilinear descent. Family members were linked not only by bonds of kinship but also by shared customs pertaining to worship—in particular traditions surrounding the souls of the dead. Initiation into the Zoroastrian faith, which was marked by the *sedreh-pūshī* when an adolescent was invested with the *sedreh* and *kushtī*, meant attaining full legal rights and obligations including for example guardianship of women and orphans, as well as rights of succession over a relative who had left no heir.<sup>6</sup> Once a man died, his legitimate sons assumed all his rights and obligations includ-

<sup>5</sup>A. Perikhanian, "Iranian Society and Law," *Cambridge History of Iran* (Cambridge, 1993) 3(2): 631–46.

ing the performance of rituals for his soul (for which one-third of his total estate was reserved) and those of his ancestors.<sup>7</sup> The linking of kinship and religion, in order to guarantee the continuity of a lineage, as well as the continued performance of ceremonies in a man's name was facilitated by the system of *xvēdōdah*, or consanguineous marriage.<sup>8</sup> The legal system that was developed by Sasanian jurists and promoted by clergy and nobility alike thus ensured that wealth could be transmitted across generations. In addition, the close relationship between Sasanian monarchs and the high priest, *magupatān magupat*, provided authority for priestly interpretations of doctrine and ritual and there is direct evidence that the *magupatān magupat* was involved in the formation of the judicial administration and law.<sup>9</sup> The fact that the judgment of the *magupatān magupat* was considered above the trial by ordeal, and by implication divine intervention, is further indication of his extraordinary power.<sup>10</sup> One of the results of the alliance between high priest and monarch was the accumulation of great wealth in the form of pious foundations and properties owned by fire temples.

Under Sasanian law a fixed-purpose endowment consisted of a capital sum and the income that derived from it. The founder could specify the purpose for which the income deriving from the capital was to be used, as set out in the endowment deed (later known as the *vagfnāmeḥ*). The income from profitable endowments was spent partly on maintaining whatever constituted the principal and partly on taxes. Any surplus remaining was at the disposal of the founder and his heirs and was normally spent on other pious causes.<sup>11</sup> Where a foundation was non-profitable, either the principal was divided in order to meet maintenance expenses, or an additional conveyance of land and/or livestock was made in order to generate necessary income. The inscription of Shāpur I, for example, mentions the endowment by the king of five fire temples in commemoration of the souls of family members, as well as the "principal" or income-bearing property which is referred to in various ways as belonging to the fire.<sup>12</sup> The registration of endowments was the responsibility of a department, the *divān ī kartakān*, and, according to the *Hazār dādestān*, endowments for the soul were administered by the *rad*, or spiritual leader of the realm.<sup>13</sup>

<sup>6</sup>Perikhanian, "Iranian Society and Law," 641–43.

<sup>7</sup>Maria Macuch, "Zoroastrian Principles and the Structure of Kinship in Sasanian Iran," in *Religious Themes and Texts of Pre-Islamic Iran and Central Asia: Studies in Honour of Professor Gherardo Gnoli on the Occasion of his 65th Birthday on 6th December 2002*, ed. C. G. Cereti et al. (Wiesbaden, 2003), 235–36.

<sup>8</sup>See Macuch, "Zoroastrian Principles," 232–33, where she develops this theory.

<sup>9</sup>See Perikhanian, "Iranian Society and Law," 629, where she mentions the "Memorandum" of Veh-Shāpur, which detailed records of interrogation that took place when capital offences were under investigation and which were then copied and distributed to the provinces.

<sup>10</sup>Perikhanian "Iranian Society and Law," 679.

<sup>11</sup>An example usually cited is the inscription on the bridge in the town of Gōr (modern Firuzābād), which states that it was built at the expense of Mehr-Narseh, the *vazurg-framātar* of Iran, for the sake of his soul. He also founded four fire temples, one for his own soul and the other three for the souls of his three sons. See Perikhanian, "Iranian Society and Law," 661–62.

<sup>12</sup>Perikhanian, "Iranian Society and Law," 662–63.

<sup>13</sup>M. Macuch, "Charitable Foundations: i. In the Sasanian Period," *Encyclopaedia Iranica* V: 381.

Both the complex laws of inheritance and succession as well as the laws of property developed by Sasanian jurists continued to be of significance to religious minorities after the Arab conquest and the imposition of Shari'a. The securing of material wealth through lines of succession ensured that religious ceremonies were continued, and the rightful ownership of property and "things" was safeguarded through the creation of pious foundations—*awqāf*. Legacies registered in this way by Zoroastrians remained within the family, whereas everything else passed to the member or members of the family who had converted to Islam, regardless of the pre-existing rights of inheritance.<sup>14</sup> The similarities between Zoroastrian and Muslim jurisprudence regarding pious foundations would have meant that Zoroastrians were familiar with the laws governing *vaqf* property which were akin to those that had previously governed the *pat ruwān*, or endowments for a fixed purpose. Under Muslim law the principal remained inviolable while the income derived from it was used for the religious purposes that had been stipulated by the founder. Taxes were payable as before and the *vaqf* properties were administered by trustees usually nominated by the founder. One change that took place was that the *pat ruwān* were divided into those for private family foundations, *vaqf-e kheyri*, and those that were for public benefit, *vaqf-e ahli*. The Sasanians had not distinguished between these two possibly because, in Zoroastrianism, pious donations whether public or private were considered to benefit the soul of the benefactor.<sup>15</sup> Under Islam, on the other hand, the accumulation of wealth for the sake of oneself as opposed to others was discouraged. Motives of piety and eschatological reward were also features of Islamic *awqāf*, as was the desire to preserve family fortunes. Although such pious foundations were supposed to be inviolable, there is evidence to suggest that interference varied according to the whim of the ruler.<sup>16</sup>

We can only speculate as to the way in which the Zoroastrian laity understood the teachings contained in their religious texts, as well as those transmitted orally, during the Sasanian period. What we do know is that the establishment of the Avestan canon some time during the sixth century meant that, for the first time, there was a unified textual authority that could be accessed by scholar priests throughout the realm. In the centuries that followed the Arab conquest Zoroastrian priests evidently continued to emphasize the importance of ensuring the well-being of the soul. These injunctions appear in Pahlavi texts, compiled in the ninth century, through to the Persian *Rivāyats*, letters of instruction sent by priests in Iran to their co-religionists in India between the fourteenth and seventeenth centuries.

<sup>14</sup>See John R. Hinnells, Mary Boyce and Shāhrokh Shāhrokh, "Charitable Foundations: ii. Among Zoroastrians in Islamic Times," *Encyclopaedia Iranica* V: 382.

<sup>15</sup>Shaul Shaked suggests that to perform charitable actions in honor of one's own soul was so commonplace in Sasanian times that it was regarded as characteristically Iranian by certain Islamic scholars. See S. Shaked, "For the Sake of the Soul: A Zoroastrian Idea in Transmission into Islam," *Jerusalem Studies in Arabic and Islam*, 13 (1990): 21.

<sup>16</sup>See Ann K. S. Lambton, "Awqāf in Persia: 6th–8th/12th–14th Centuries," in *Islamic Law and Society*, 4, no. 3 (1997): 303–08, where she refers to documents detailing the frequent injunctions to prevent the confiscation of *awqāf* during the Ilkhānid period.

*Parsi Religious Charity in Iran in the Mid-to-Late Nineteenth Century*

While religious charity continued to be part of Zoroastrian teaching after the Islamic conquest of Iran, it is not until the respective communities in India and Iran began to prosper that charitable endowments began to have an impact on society. The minority status of Zoroastrians in both India and Iran created a desire for strong institutions that could fulfill the religious and social needs of the respective communities. It can be seen that charity was linked to the economic growth, education, social welfare and religious stability of the communities in both regions. Religious charity was closely associated with the way in which internal affairs were managed—in Iran, by the *anjomans*, and in India by the Parsi Panchayat.

Parsi religious charity in India during the nineteenth century was, in large part, directed towards the building of fire temples or *agiārys*, with the main period of growth being between 1830 and 1900, and largely the result of private subscriptions. The building of *dakhmehs* and burial grounds had begun slightly earlier, in the early eighteenth century, but also accelerated after 1800.<sup>17</sup> From its inception in the late eighteenth century, the Bombay Parsi Panchayat (BPP) was responsible for dealing with community issues and upholding religious traditions as more people moved from rural areas to the city. Its authority began to wane when membership was made hereditary in 1830 and also with the introduction, in 1832, of Parsi matrimonial courts. During the twentieth century (after having merged with the Parsi Benevolent Institution), the BPP regained its importance as the body responsible for the management of Parsi properties and charitable foundations.<sup>18</sup> Membership of the Panchayat was predominantly lay and drawn from the merchant elites. As time went on, tensions arose between the young and old elites, as well as across the generations. But the overall effect, broadly speaking, was the transfer of authority from the priesthood to the laity in matters both social and religious.<sup>19</sup>

Parsis became aware of the extent of Iranian Zoroastrian deprivations in the late eighteenth century when a number of their co-religionists came and settled in India. The fortunes of Iranian Zoroastrians began to improve with the establishment in Bombay of the Society for the Amelioration of the Conditions of the Zoroastrians in Persia and the work of its first emissary to Iran, Maneckji Limji Hataria, between 1854 and his death in 1890. Hataria is perhaps best-known for the role he played in the abolition of the *jizya* or head tax that had been imposed on Zoroastrians since the time of the Arab conquest. This tax was paid by all *dhimmis* (members of recognized non-Muslim religious minorities) in Iran as a communal sum.<sup>20</sup> It had become increasingly unpopular among Zoroastrians during the eighteenth and nineteenth

<sup>17</sup>For patterns of growth, see the charts given by John Hinnells, "The Flowering of Zoroastrian Benevolence," *Zoroastrian and Parsi Studies: Selected Works of John R. Hinnells* (Aldershot, 2000), 215–17.

<sup>18</sup>J. Hinnells, "Authority and Parsis in British India," in J. Hinnells and A. Williams, eds, *Parsis in India and the Diaspora* (Oxford, 2007), 101–02.

<sup>19</sup>See Susan Styles Maneck, *The Death of Abriman: Culture, Identity and Theological Change among the Parsis of India* (Bombay, 1997), 165–70.

<sup>20</sup>V. B. Moreen, "Jezya," *Encyclopaedia Iranica* XIV: 643–44.

centuries since the amount payable by the community as a whole had increased from 250 to 1,000 *tomāns*.<sup>21</sup> Hataria interceded on behalf of Zoroastrians with the Qajar court, writing personally to Nāsir al-Din Shah. He also lobbied the governor of Yazd and foreign envoys such as the British ambassador, Henry C. Rawlinson, as well as the ambassadors to Iran from France and Russia to lift the *jizya* and end discriminatory practices.<sup>22</sup> He was instrumental in gaining support from prominent Parsis both in India and Europe for this endeavor.<sup>23</sup> In 1882 the shah declared that Zoroastrians should be placed on the same footing as Muslims and were exempt from payment of *jizya*.<sup>24</sup> Although this tax continued to be collected in Yazd for some time after the shah's decree, and was later reinstated in Kerman for a short while, for the main part Zoroastrians, unlike their Jewish and Christian counterparts, were no longer obliged to pay the *jizya*.<sup>25</sup>

Hataria is also remembered for the work he undertook in the building and/or renovation of fire temples and *dakhmehs* and facilities such as rest houses and water tanks, *āb-ānbār*, at the main shrines.<sup>26</sup> Much of the wealth generated by Hataria came from the *sethias*, merchants in India, and it is notable that this was directed towards the renovation and/or establishment of religious institutions (for example, the provision of sandalwood for the Yazd *Ātash Bahrām*) as well as towards social needs.<sup>27</sup> Hataria also attempted to reform certain areas of religious observation, both priestly and lay, in keeping with Parsi practice.<sup>28</sup> As conditions for the Iranian Zoroastrian community began to improve, and the Tehran population grew, wealth generated in both India

<sup>21</sup>Janet Kestenberg Amighi, *The Zoroastrians of Iran: Conversion, Assimilation, or Persistence* (New York, 1990), 130. Although the *jizya* was intended to protect *dhimmis* during wartime, in practice this did not always happen. One popular story tells of the Afghan raids on Kerman perpetrated by Mahmud Khan Ghilzai between 1719 and 1724. Zoroastrians, who were obliged to reside outside the city walls, were slaughtered in great numbers that a makeshift *dakhmeh* had to be constructed. See J. Choksy, "Despite Shās and Mollās: Minority Sociopolitics in Premodern and Modern Iran," *Journal of Asian Studies*, 40, no. 2 (2006): 139.

<sup>22</sup>See Michael Fischer, *Zoroastrian Iran Between Myth and Praxis* (Chicago, 1973), 1: 97–98.

<sup>23</sup>See Choksy, "Despite Shās and Mollās," 143–44.

<sup>24</sup>Daniel Tsadik, *Between Foreigners and Shi'is: Nineteenth-Century Iran and its Jewish Minority* (Stanford, CA, 2007), 118.

<sup>25</sup>See Eliz Sanasarian, *Religious Minorities in Iran* (Cambridge, 2000), 49. British officials exerted considerable effort to improve the rights of all *dhimmis*. As Tsadik notes, as a predominantly Christian nation, Britain was predisposed to support Christian minorities in Iran (*Between Foreigners and Shi'is*, 43–44). The Foreign Office minister in Tehran appointed in 1881, R. F. Thomson, entered into discussion with the shah and his minister for foreign affairs with respect to Nestorian Christians and Jewish as well as Zoroastrian communities (*Between Foreigners and Shi'is*, 113–15).

<sup>26</sup>For example the repair of the Yazd *Ātash-Bahrām* (1855), and the Kerman *Ātash Bahrām* (1857). By 1864 Hataria had replaced the existing *dakhmehs* in Yazd, Kerman and the village of Sharifābād-e Ardakān-e Yazd, and the following year he had a small *dakhmeh* built at Qanāt-ghesan, near Kerman. See Mary Boyce, "Manekji Limji Hataria in Iran," in *K. R. Cama Oriental Institute Golden Jubilee Memorial Volume* (Bombay, 1969), 23.

<sup>27</sup>Manekji Limji Hataria, "Support from the *Sethias*: Travels in Iran 5," *Parsiana* (December 1990): 29–32.

<sup>28</sup>See Monica Ringer, "Reform Transplanted: Parsi Agents of Change amongst Zoroastrians in Nineteenth-Century Iran," *Iranian Studies*, 42, no. 4 (2009): 556–58 (with references).



and Iran was directed towards the establishment of schools and orphanages.<sup>29</sup> By 1882 twelve Zoroastrian schools had been established in Iran.<sup>30</sup> In both India and Iran the emphasis was on a European type of education which taught sciences and mathematics, home sciences for girls, as well as religious education. Hataria seems to have considered the latter to be of importance: "A study of Avesta and religious rituals was recommended so that the Zoroastrian children may not be attracted towards Islam but would follow with zeal the religion taught us by our prophet."<sup>31</sup> The spirit of reform came not only from India and Europe but also from the newly established Bahai'î faith in Iran to which many Zoroastrians had become attracted during the late nineteenth and early twentieth centuries.<sup>32</sup> Many, like Hataria himself, were sympathetic to the teachings of Baha'ism, which were perceived as liberal and progressive. Equality of the sexes, the dissolution of the priesthood and democratic reforms contrasted sharply with the ritual nature of the Zoroastrian religion, promoted in particular by the *Dasturs* of Yazd, which included exposure in the *dakhmeh* and strict purity laws.<sup>33</sup> Moreover, the Baha'î belief in the messianic role of its founder, Baha'u'llah, found resonance in some Zoroastrian eschatological beliefs providing a theological link between the two faiths.<sup>34</sup>

Hataria was responsible for the establishment of the first Zoroastrian *anjomans* in Iran in the cities of Kermān and Yazd. Although these *anjomans* initially remained dependent on Parsi representation to the Court in Tehran, they provided local communities with an authoritative body that could coordinate and manage charitable *awqāf*, and manage funds for education and the establishment of schools and orphanages.<sup>35</sup>

<sup>29</sup>In 1869 the population of Tehrān was given as 155,000 and increased steadily since that time, reaching 400,000 according to the census of 1939/40, and 2,719,730 by 1966 (see also note 39, below). F. Firoozi, "Tehrān: A Demographic and Economic Analysis," in *The Population of Iran: A Selection of Readings*, ed. J. A. Momeni (Honolulu and Shiraz, 1977), 342.

<sup>30</sup>Boyce, "Manekji Limji Hataria in Iran," 28.

<sup>31</sup>Manekji Limji Hataria, "Education for Amelioration: Travels in Iran: 6," *Parsiana* (January 1991): 14.

<sup>32</sup>See D. Brookshaw "Instructive Encouragement, Tablets of Baha'ullah and 'Abdu'l-Baha to Baha'î Women in Iran and India," in *The Baha'is of Iran: Socio-Historical Studies*, ed. Dominic Parviz Brookshaw and Seena B. Fazel (London and New York, 2008), 71, where he presents a table of the number of tablets addressed to Zoroastrian converts to Baha'ism by 'Abdu'l-Baha according to the geographic location of the recipient.

<sup>33</sup>Amighi describes the dynamics of the relationship between Baha'is and Zoroastrians and the various influences for and against conversion (*Zoroastrians of Iran*, 119–27). Fischer devotes a section of his study to Baha'î development in Yazd (*Zoroastrian Iran II*: 351–9), in which he draws attention to the fact that relations between Zoroastrian elites and Baha'is remains a controversial subject (353).

<sup>34</sup>See S. Stiles Maneck, "Conversion of Religious Minorities to the Baha'î Faith in Iran: Some Preliminary Observations," *Journal of Baha'î Studies*, 3, no. 3 (1991): 35–48, where she describes the way in which Zoroastrians, Christians and Jews reconcile their respective eschatological teachings with those of Baha'ism.

<sup>35</sup>In 1890 the *anjomans* of Tehran, Kerman and Yazd were reorganized under the influence of Kai Khusrawji Khān, who was born in the village of Kucheh Buyuk, near Yazd. He went to India with his family, returning after Hataria's death as the emissary of the Amelioration Society to Iran. From this time until the end of the Qajar dynasty, these *anjomans* were known as *Nāseri* after Nāsir al-Dīn

The history of Qasr-e Firuzeh, the Tehran *ārāmgāh* or burial ground, properly begins with Hataria, for it was he who first took notice of the burial facilities for Zoroastrians in Tehran and undertook the rebuilding of the Tehran *dakhmeh*. Located in what is now Shahr-e Rey in the south of Tehran, the site is variously referred to today as the Tehran *dakhmeh*, Rey *dakhmeh*, Bibi Shahrbānu mountain *dakhmeh*, Zoroastrian cemetery (traditional period), Sasanian *dakhmeh* and the *gabr's astūdān*.<sup>36</sup> Although it had long been in use as a place for disposal of the dead, the existing structure was evidently in disrepair during Hataria's time in Iran,<sup>37</sup> and served a community estimated at no more than one hundred Zoroastrians. In 1861, Hataria wrote to Nāsir al-Dīn Shah that there were the remains of an ancient *dakhmeh* on the mountain of Bibi Shahrbānu, to the south of the city, and that he would like permission to rebuild it. The shah agreed and sent a *farmān* authorizing one Mirzā Musā to oversee the work:

due to the fact that the population of the *muti'ul-Islam* (subservient to Islam) the Majus, in every region have designated an area for placing their dead. As an example the Majus in their residence of *dar al-khelāfeh* (the capital, Tehran)<sup>38</sup> in the southern section of Bibi Shahrbānu, they place their dead there, and they have asked to build walls around it. Thus, according to his Royal Majestic ... Divine Highness, for whose greatness our spirit would be sacrificed, it is decreed that around this area there should be a wall built so that no one would bother or disturb the population of the Majus, so that according to their previous tradition they would place their dead there. (Jamādī al-awwal 1278)<sup>39</sup>

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Shah. See T. Amini, *Asnād az Zartoshtiyān-i mo'āser-e Iran* (Tehran, 2001), 284. The *anjoman* of Yazd evidently included a large number of Baha'i converts among its twenty-eight members (see F. Vahman, "The Conversion of Zoroastrians to the Baha'i Faith," in Brookshaw and Fazel, eds, *The Baha'is of Iran*, 42–43 and fn. 27). The significance of this is hard to determine since the structure and remit of the Yazd *anjoman* would suggest that it was formed for the sole benefit of Zoroastrians. See Jahangir Oshidari, *Tārikh-e Pahlavi o Zartoshtiyān* (Tehran, 1976), 283. As Cole points out, it is likely that Zoroastrians who embraced Baha'ism did not give up all communal devotional life, but assumed their new identity gradually (J. R. I. Cole, "Conversion v. To Babism and the Baha'i Faith," *Encyclopaedia Iranica* VI: 237).

<sup>36</sup>The term *astūdān* is commonly understood to refer to a receptacle for bones (the central well in a *dakhmeh* is referred to as the *astūdān*). For a detailed discussion of the Iranian *dakhmeh* and *astūdān* and the various terms of reference pertaining to them, see Dietrich Huff, "Archaeological Evidence of Zoroastrian Funerary Practices," in *Zoroastrian Rituals in Context*, ed. M. Stausberg (Leiden, 2004), 596ff.

<sup>37</sup>See A. V. Williams Jackson, *Persia Past and Present: A Book of Travel and Research* (New York and London, 1906), 439–40, where he points out that the *dakhmeh* at Rey is likely to be situated on one of the oldest Zoroastrian burial sites because of the association with Zoroastrianism of the historic city of Rāgha, and also because it is in keeping with the instructions for exposure contained in the *Vendidād*.

<sup>38</sup>Literally the gate/home of the Caliphate or seat of governance.

<sup>39</sup>1278 lunar calendar = 1861 CE. Oshidari, *Tārikh-e Pahlavi*, 371–72.

Thereafter, Hataria raised money from India and, on behalf of the Amelioration Society, rebuilt the *dakhmeh* which was opened in 1863 (1231 Yazdgerdī calendar).<sup>40</sup>

### *Qasr-e Firuzeh*

The Tehran *dakhmeh* evidently fulfilled the needs of the local community for some time and it is not until the early 1900s that we hear about it again. Much had happened in the intervening years; the Constitutional Revolution of 1905 and accession to the throne of Mohammad Reza Shah were both events in Iran's political history that had significant impact on the development of the Zoroastrian community, both in its traditional centers of Yazd and Kerman, but mainly in Tehran where the Zoroastrian population had increased to an estimated 325 individuals.<sup>41</sup> Businesses both small and large had begun to flourish, including the merchant house of the prosperous merchant-banker Arbāb Jamshīd Jamshīdiyān, which by 1905 was employing over one hundred Zoroastrians.<sup>42</sup> The Constitutional Revolution had brought some improvements to the rights of recognized minorities in Iran, and paved the way for the establishment of the TZA. Zoroastrians, in common with the Parsis and the British, had supported the Revolution and were rewarded when Arbāb Jamshīd was appointed to represent the merchants of Tehran in the first Majles-e Shurā-ye Melli, the National Consultative Assembly of 1906. Thereafter he became the first member to represent the Zoroastrian community in the Majles, thus gaining a national status for Zoroastrians that remains in place to this day.<sup>43</sup> Although the success of the Revolution was short-lived, and there was a backlash that affected Zoroastrians businesses, certain rights for minorities remained part of the Constitution. When Reza Shah took power in 1925 he encouraged Zoroastrians to participate in the national economy and allowed them to be appointed to senior posts in the civil service and the army.<sup>44</sup> His social reforms favored western-style education, emancipation of women (that included the removal of veils in public), the modernization of economic structures and, significantly, the curtailment of the power of the clergy. Among a number of measures, this last was brought about by a reduction in the numbers of clergy in the National Assembly and, in 1939, by the announcement of the appropriation by the state of religious *awqāf*.<sup>45</sup> Zoroastrians benefited from many of these changes; in particular the nationalistic fervor promoted by the shah—and influenced by his Zoroastrian Deputy in the Majles, Keikhosrow

<sup>40</sup>At around the same time a Tehran resident, Arbāb Jamshīd Shahriyār Sorūshyār, built a *khaile* in memory of his son, Fereyduṅ, further down the mountain, and made it accessible by road (Oshidari, *Tārikh-e Pablavi*, 372).

<sup>41</sup>Mary Boyce, *Zoroastrians: Their Religious Beliefs and Practices* (London, 1979), 218. The estimated population of Tehran in 1900 was 200,000, as against Kermān (60,000) and Yazd (75,000). See J. Bharier, "The Growth of Towns and Villages in Iran, 1900–66," in Momeni, ed., *The Population of Iran*, 333–34.

<sup>42</sup>Amighi, *Zoroastrians*, 152.

<sup>43</sup>Amighi, *Zoroastrians*, 159–61, 165.

<sup>44</sup>Amighi, *Zoroastrians*, 169–71.

<sup>45</sup>E. Abrahamian, *Iran Between Two Revolutions* (Princeton, 1983), 140–41.

Shāhrokh—which led him to adopt such symbols as the winged disc from the monuments of Persepolis and Zoroastrian names for the new calendar.<sup>46</sup>

Keikhosrow Shāhrokh, an employee of Arbāb Jamshid, was born in Kerman and attended an American boarding school in Tehran, followed by the Sir Jamshejji Jeejeebhoy school in Bombay. An ardent nationalist and reformer, Shāhrokh sought to enhance the growth and expansion of the Zoroastrian community by maintaining traditional values while discarding the more religiously conservative elements of the Parsis and the Yazdis. One of his significant achievements was the re-establishment of the TZA in 1907.<sup>47</sup> Comprising a lay membership drawn from businessmen and the professional classes along the lines of the Bombay Parsi Panchayat, the Anjoman was responsible for all matters concerning the community including social, legal and religious institutions. It also acted as the interface between the community and the government. Within several years of its inauguration, one of the pre-occupations of the Anjoman was the question of the Tehran *dakhmeh*. Unfortunately, the mountains that overlooked Bibi Shahrbānu had made it possible for people to view the inside of the tower<sup>48</sup> and, in due course, and in common with *dakhmehs* elsewhere in Iran, the Tehran site suffered from vandalism perpetrated by Muslims. The lock on the door was frequently broken and the bodies inside the tower were desecrated. In those days the horse-drawn bier had to be taken through the city gate in order to get to Bibi Shahrbānu and the carriers often encountered problems with Muslim agents at the gate.<sup>49</sup> Eventually, the Anjoman decided to block the door into the *dakhmeh*, which meant that the bodies of the dead had to be dragged up and over the high wall by rope.<sup>50</sup> This procedure was deemed unacceptable and distasteful by an increasing number of Zoroastrians in Tehran, with the result that discussions began within the TZA about acquiring land to build a cemetery, *ārāmgāh*.

The project was initiated by the TZA's president, Keikhosrow Shāhrokh, who by this time was also the Zoroastrian representative in the Majles. The *dakhmeh* system was still observed throughout the Zoroastrian community in Iran but for various reasons, including those described above, there were some who felt that it was no longer the best solution to the problem of disposing of the dead. Shāhrokh favored the abandonment of the *dakhmeh* system in preference for burial, believing

<sup>46</sup>Amighi, *Zoroastrians*, 170. The phenomenon of returning to ancient traditions (*bāstāngarā'ī*) in order to reproduce a new social, political and cultural order began in Iran at the end of the Qajar period.

<sup>47</sup>The Tehran and Yazd *anjomans* had ceased to function following the death of Arbāb Dinyār Kalāntar, who had been made the "Trustee of the Persians" by Mozaffar al-Din Shah (r. 1896–1907). See Shāhrokh Shāhrokh and Rashna Writer, *The Memoirs of Keikhosrow Shāhrokh* (Lampeter, 1994), 28.

<sup>48</sup>Jackson mentions that he walked up the hillside at Rey in order to be able to see the interior of the *dakhmeh*. He also mentions that there was no door into the tower, indicating that this must have been closed in before his visit to Persia in 1903. See Jackson, *Persia*, 440.

<sup>49</sup>Oshidari, *Tarikh e Pahlavi*, 372.

<sup>50</sup>Mary Boyce, "An Old Village *Dakhma* of Iran," in *Mémorial Jean de Menasce*, ed. P. Gignoux and A. Tafazzoli (Louvain, 1974), 4–5, notes that there is no evidence, in old *dakhmehs* in Iran, for outer staircases leading up to the door set high in the tower. She points out that ropes and ladders were used instead to convey the body up to the doorway. The only stairs in evidence were those that led from the door down to the exposure platform on the inside of the *dakhmeh*.

it to be not only unhygienic but also a practice that did not belong to the doctrines of Zarathustra.<sup>51</sup> The procedures for exposure of the dead that included the handling of the body by *nasār-sālārs* or pall-bearers, the distress of relatives who had to witness the undignified entry to the *dakhmeh* at the funeral ceremony together with the fact that Shāhrokh wished to endow a place for burial in the name of his late wife, Firuzeh, turned the project into a personal mission.<sup>52</sup> After obtaining the consent of the Anjoman to establish a cemetery, Shāhrokh began to look for a suitable site. In his *Memoirs* he describes his elation when, after a long search, he finally found what seemed to be an ideal place; a large plot of land surrounded by mountains on three sides, and with a view of the whole of Tehran. It included an old Qajar palace, two *qanāts* and two large pools.<sup>53</sup> By what seemed a remarkable coincidence, the place bore the name of Shāhrokh's late wife and was called Qasr-e Firuzeh or Firuzeh's Palace. The acquisition of the land was agreed to by the Anjoman at a meeting on 16 Khordād 1313 (6 June 1934).<sup>54</sup>

Since the land belonged to the crown, and formed part of the former royal hunting grounds, the acquisition of Qasr-e Firuzeh entailed first obtaining permission from Reza Shah. Evidently the Shāhanshāh, together with his minister of finance, 'Ali-Akbar Khan Dāvar, were in favor of the purchase and its objective.<sup>55</sup> The Anjoman had insufficient funds of its own to make such a purchase and so money had to be raised from within the community. In the event Shāhrokh bought the land in his own name for 15,000 *tomāns*, half of which was to be paid upon purchase and the remaining half one year later.<sup>56</sup> The Zoroastrian population of Tehran was estimated at 1,300 at this time, and Shāhrokh had called a meeting of members of the community to discuss the establishment of the *ārāmgāh* and its future, and to ask for contributions towards its development. Some 23,000 *tomāns* were pledged at the meeting. An area of around 20,000 square meters was allocated for the *ārāmgāh*, which was to be surrounded by a wall and planted with trees; the total being divided into seven sections. Various members of the community donated buildings such as a reception hall, an *āb-anbār* (Arbāb Mehrabān Pārsā'i), a bath and place for preparation of the dead for burial (Arbāb Rostam Giv and Arbāb Rostam Bahman Ābādīyān), a structure in

<sup>51</sup>Since the purity laws, including methods of disposing of the dead, belong to the later, prescriptive texts of the *Avestā*, in particular the *Vendidād*, Kheikhosrow Shāhrokh was among those Zoroastrians who held that they had little or nothing to do with the teachings of Zarathustra.

<sup>52</sup>Shāhrokh and Writer, *Memoirs*, 11–13.

<sup>53</sup>Shāhrokh and Writer, *Memoirs*, 13–14.

<sup>54</sup>Minutes from the meeting of the TZA Board of Directors.

<sup>55</sup>Interestingly, the Jewish community had offered 40,000 *tomāns* for the land, but Keikhosrow Shāhrokh evidently had good relations with government officials, in particular the finance minister 'Ali-Akbar Dāvar, and the shah agreed to sell the land, for a lesser amount, to the Zoroastrians. See Shāhrokh and Writer, *Memoirs*, 14.

<sup>56</sup>Other members of the Anjoman—namely Arbāb Rostam Bahman Shāpur, Mr Sirusi, Mr Forutan, Mr Ārash, and Mr Ābādīyān—were called upon to contribute to the sum and to reimburse Shāhrokh within two years. See Rashid Shahmardān, *Parastesbgāh-e Zartoshtiyān* (Bombay, 1967), 253–56.

which people could pray (Arbāb Khodādād Hormozdyār Sirusi in memory of his son Dāryush) and a building to house the *nasār-sālārs*.<sup>57</sup>

One year after purchasing the land, Shāhrokh replaced the deed of ownership<sup>58</sup> with a Deed of Endowment, or *vaqfnāmeḥ*, in which he assigned Qasr-e Firuzeh to the TZA. The contents of this document are important in view of what happened over the succeeding decades. The *vaqfnāmeḥ* begins with a detailed description of the land, its location, boundaries, pools and *qanāts*, and includes its registration number (*pelāk* 4,478). It mentions that, although the land is purchased in the name of Keikhosrow Shāhrokh, the cost is to be paid from funds donated to the TZA. The charitable nature of the deed is stipulated as follows:

I, Keikhosrow Shāhrokh, as Head of the Anjoman of Zartoshties of Tehran after submitting the noted fee for Kākh-e Firuzeh ... I endowed it, and hereby submit its overseeing and management forever to the members of the Tehran Zoroastrian Anjoman.

Various conditions are set out concerning the way in which the *vaqf* should be administered, and by whom, in the event of the Anjoman's policies and by-laws being annulled. Successive organizations are named (for instance the *anjomans* of Yazd and Kerman) as being responsible for the maintenance of the *vaqf* in the event that the TZA cannot fulfill its obligations for any reason. There follow three clauses, the first of which refers to the expenditure of the proceeds of the *vaqf* fund and includes the water from the *qanāts*, the buildings, the cost of graves and the maintenance of the necessary tools, the cultivation of the land, trees and gardens, and the cost of the gardeners and other workers required to maintain the land and the *ārāmgāh*. The second clause addresses the eventuality in which income exceeds expenditure, and how the surplus should be spent by the Anjoman of the time, or those acting on its behalf. The third and final clause states quite clearly that the "guardian and overseer must extend permission to individuals for building and construction on the land only if these structures are donated for the benefit of the Zartoshties." The endowment was duly registered with the Ministry of *Awqāf* on 29 November 1936.<sup>59</sup>

Keikhosrow Shāhrokh died in 1940, at the start of a decade marked by social and political unrest. Beginning with the Anglo-Soviet invasion of Iran in 1941 and the abdication of Reza Shah in favor of his son, Mohammad-Reza Shah Pahlavi, this period culminated in the CIA-backed royalist coup that deposed the prime minister,

<sup>57</sup>See Shāhrokh and Writer, *Memoirs*, 15 and notes 6–10 for information about the donors.

<sup>58</sup>The Deed of Ownership was issued by the Department of Registration of Documents and Properties of the Ministry of Justice, Vezārat-e 'Adliyyeh, and dated 1314/7/1 (24 September 1935).

<sup>59</sup>*Vaqfnāmeḥ*, no. 7249, dated 1315/7/28 (20 October 1936) of the Records Registry no. 18 in Tehran. Keikhosrow Shāhrokh had already been made responsible for dealing with Zoroastrian endowments throughout Iran. In a letter from the Ministry to the TZA dated 1332 lunar calendar (1914), it is stated that Zoroastrians are free to manage their own *awqāf*, providing that they submit reports to the Ministry, and that none of the agents of *awqāf* are permitted to interfere with the *awqāf* of the Zoroastrians.

Dr Mosaddeq, in 1953. The emergence of power centers, political groups and intellectual activity that was given a voice in the media were all reflected in the internal politics of the Zoroastrian community. The prosperity enjoyed by Zoroastrian merchants during the years of Reza Shah following the Second World War had declined not least because financial support from India ceased. At the same time, the liberal tendencies of Keikhosrow Shāhrokh were replaced by the more conservative ones of the new leader of the TZA, a merchant from Yazd, Arbāb Rostam Gīv. The Anjoman expanded in size, drawing mainly from the professional class. The new leadership favored a traditional approach to religion and attempted to reinstate in the city the customs of rural Zoroastrian communities including the use of the Dari language. One of the mechanisms for enabling this change was through the conditions attached to philanthropic donations.<sup>60</sup> The new conservatism precipitated social movements spearheaded by young people who were anxious for social reform and who sought a new kind of religious identity—one that was informed by improved education and knowledge of religious texts—and a number of organizations emerged that challenged the authority of the TZA. The most significant of these was the Mazdiyasnā Boy's Club that criticized the Anjoman for, among other things, spending money on the *ārāmgāh* when there was a need for housing and employment.<sup>61</sup>

The second chapter in the history of Qasr-e Firuzeh takes place against the backdrop of continued social unrest at both national and community levels. Economic hardship encouraged migration from rural areas to the capital. Housing projects were introduced by the Anjoman to meet the needs of a new and diverse Zoroastrian population. One such project was the development of the lands of Qasr-e Firuzeh in compliance with the terms of the *vaqf-nāme*. A meeting was held in the Anjoman<sup>62</sup> to discuss the question of leasing part of the lands to meet the needs of the Zoroastrian community. It was agreed that the TZA could lease 40 hectares of this *vaqf* land to Zoroastrians for 99-year rental contracts. A company, Sherkat-e Ābādānī-ye Kākh-e Firuzeh, was formed by the Anjoman for the purposes of putting in roads, powerlines and drainage systems and for digging wells, installing an electrical generator and a water reservoir. Permission was sought from Mohammad-Reza Shah to end the hunting that had been practiced in the area for generations.<sup>63</sup> On 16 Mehr 1336 (8 October 1957) the first meeting of the company was held in the Anjoman. The lands were divided into 1,000-, 2,000- and 3,000-meter plots and leases were drawn up. Most of these lands were leased by the TZA to Zoroastrians, some of whom were in reduced circumstances or homeless. The Anjoman built a school, an *Ātashkadeh* and a small hospital. The area was called Tehran Kākh.

<sup>60</sup>An example cited by Amighi was the housing project established by Rostam Giv on his property, Rostam Bagh, whereby Zoroastrians, mainly from Yazd, could obtain affordable housing provided they spoke in Dari and maintained “proper codes of Zoroastrian behaviour” (Amighi, *Zoroastrians*, 201).

<sup>61</sup>For an account of the various disputes often voiced via anonymous pamphlets—for example *Zang-e Khatar* (“Bell of Warning”), and the response of Rostam Giv in his *Bayān-e Haqāyeq* (“Declaration of Truth”), both written in 1952—see Amighi, *Zoroastrians*, 195.

<sup>62</sup>1335/11/16 (5 February 1957).

<sup>63</sup>Oshidiri, *Tārikh- e Pablavi*, 374.

Throughout the 1950s the Shāh's program of political and economic reforms were developed alongside the promotion of a strong "neotraditionalist" ethic.<sup>64</sup> Under the reform-minded prime minister, 'Ali Amini, an ambitious program of land reform was instigated by the then minister of agriculture, Hasan Arsanjāni. Although Amini was soon replaced, his reform was to provide the basis for what became known as the White Revolution, Enqelāb-e Sefid—a six-point program announced by the Shah in 1963—that included the redistribution of land and the nationalization of forests.<sup>65</sup> Although many of these lands were *awqāf*, and belonged to Islamic foundations such as the Āstān-e Qods-e Razavi, home to the shrine of Imām Reza in Mashhad, the nationalization program was perceived as a way of reducing the wealth of the powerful land-owning clergy.<sup>66</sup>

The nationalization of Qasr-e Firuzeh lands was announced in a newspaper and included the whole area that had been developed with the exception of the *ārāmgāh* itself.<sup>67</sup> Naturally the Zoroastrian building projects and other activities began to slow down following this announcement and eventually stopped altogether. During the following years the TZA had various meetings with the Ministry of Agriculture in order to negotiate the extent of Qasr-e Firuzeh lands that could be excluded from nationalization and eventually succeeded in keeping a total of 66 hectares.<sup>68</sup> The land included 40 hectares of Tehran Kākh and 26 hectares that included the *ārāmgāh* buildings, agricultural spaces near the *ārāmgāh*, and the streets leading to it. Despite repeated representations and complaints from the Anjoman, the government refused to return the rest of the *awqāf* plots of land in Qasr-e Firuzeh. In nationalizing *awqāf* lands, the government not only took over their ownership and management, but also the income generated by everything included in the *vaqf* such as water, orchards, livestock and rental income from property.

Not long afterwards, in 1354 (1975), the Ministry of the Imperial Court, Vezārat-e Darbār, started to put pressure on the TZA to sell the 40 hectares (Kākh-e Firuzeh) to the Ministry of Agriculture and Natural Resources. The TZA again entered into negotiations, this time with the palace, and wrote to Sāzmān-e Awqāf-e Irān (in charge of *vaqf* lands) asking their advice. The Sāzmān replied to the president of the Anjoman to the effect that although the request to purchase the land went against the laws governing *vaqf* property, the power of the court was such that the TZA had no alternative but to go to the notary office and authorize the selling of the lands to the Ministry of

<sup>64</sup> Amighi (*Zoroastrians*, 225–28) uses this term in preference to *bāstāngarā'i* with reference to the shah's attempts to invoke the glories of Persian heritage and kingship.

<sup>65</sup> Abrahamian, *Iran*, 424–25.

<sup>66</sup> For the wealth of the Imām Reza shrine, see Lambton, *Landlord and Peasant*, 235.

<sup>67</sup> The announcement appeared in the *'Ettelā'āt* newspaper, no. 12,255, on 28 Farvardin 1346 (17 April 1967), and stated that the decision was taken by the head of forestry for Tehrān Province (*sar jan-galdāriye ostān-e Tebrān*) to enforce Article 20 of the new laws governing nationalization of forests and pastures.

<sup>68</sup> The TZA had submitted a formal complaint to the Commission concerning Article 56 of the Policy for the Protection and Use of the Forests and Pastures of the Country, *Komīsyon-e Māddeb-ye 56 Qānun-e Hefāzāt u Bahreh-bardāri az Jangal-hā u Marāti' e Keshvar*. However, apart from the addition of 40 hectares, the rest of the *vaqf* land was removed from the ownership and control of the Anjoman.



Agriculture and Natural Resources. Kākh-e Firuzeh was valued by the government and proceeds of the sale deposited in the TZA's account. At a special meeting of the Anjoman on 1 Mehr 1356 (23 September 1977), the president reported the nationalization and forced sale of Kākh-e Firuzeh, informing those present that the sale of the lands was finalized and that the Anjoman had no alternative but to accept the designated amount and to transfer of the land and its buildings to the head of forestry of the Province of Tehran. The minutes of the meeting stated that the sale was in spite of the *vaqfnāmeḥ*, by force (*be-l'ejbār*) and "against the heartfelt wishes of the custodians."<sup>69</sup> The Department of Forestry and Plains paid 11 million *tomāns* to TZA for the cost of the houses and gardens that had been constructed by the Zoroastrian community and by the TZA. Some people accepted compensation from the TZA for having to leave their houses, others donated them to the Anjoman and a few continued to live in them up until 1365/66 (1986/87).<sup>70</sup>

As well as its disputes with the government, the Anjoman had its own internal community affairs to manage. At around this time an interesting issue arose concerning a letter of proposal from one Arbāb Shāhjahān Varzā to introduce the practice of cremation as an alternative to burial. The idea was discussed at a meeting of the Religious Commission, *komīsyon-e dini*, of the TZA. The *mōbeds* present stated that there were no religious injunctions against the practice of cremation. Moreover they pointed out that it would prevent pollution of the environment, limit (funerary) expenses, prevent people from competing with one another over who could afford the most lavish memorials and discourage overt manifestations of class. While people should be free to choose whether to bury or cremate their dead, it was suggested that plans should be made for housing the ashes and keeping records of the identities of those cremated.<sup>71</sup> The construction of a hall at the Tehran *ārāmgāḥ* was started (paid for by Arbāb Varzā) and a gas-fired cremation plant was imported from Europe and arrived in the customs shed in Tehran. Meanwhile a fierce debate had ensued during which members of the community suggested that the money would be better spent on a swimming pool and sports ground instead of a crematorium. Signatures were collected in opposition to the idea and presented to a meeting of the Mobedān Council. Eventually the whole plan was abandoned due to the objections of the Tehran Zoroastrian community.<sup>72</sup>

<sup>69</sup>Minutes of the meeting held on 1356/7/1 (23 September 1977). The transfer was duly registered in an official document (*sanad-e rasmi*) no. 115,758, dated 1356/12/17 (8 March 1978) issued from the Registry Office (*daftarnāmeḥ ye asnād-e rasmi*) no. 47 of Tehran.

<sup>70</sup>In 1996 the TZA continued proceedings to annul the document pertaining to the sale of the *awqāf* land, but despite initial success, in which six separate judgments were passed down from various courts in Tehran including the High Court, *divān-e āli*, indicating that the sale had been unlawful, so far the Anjoman's request has been unsuccessful. The TZA was also fighting a case to contest the seizure of lands in Qasr-e Firuzeh by the army, which had taken place in the early 1970s to provide for the construction of a military barracks (minutes of a meeting during the 31st session of the TZA dated 1355/9/15 [6 December 1976]).

<sup>71</sup>*Mahnāmeḥ-ye Zartoshtiyān* (Tehran, Farvardin 1356 [1977]).

<sup>72</sup>Letter from Arbāb Shāhjahān Varzā to the TZA (September 1977), in which he refused to pay for the completion of the hall.

The final chapter in the Qasr-e Firuzeh story takes place after the establishment of the Islamic Republic of Iran in 1979.<sup>73</sup> In the years preceding the Revolution, and as part of his carefully crafted opposition to the shah's regime, Āyatollāh Ruhollāh Khomeini had been openly critical of the White Revolution. The land reform bill in particular had been the subject of opposition by senior members of the *'ulamā*, some of whom denounced it as being against the principles of the Shi'a faith. Moreover, many of them were landowners themselves, and benefited from the income derived from *awqāf* property of one sort or another.<sup>74</sup>

After the ratification of the new constitution at the end of 1979, demands for land redistribution continued to form part of the ideological framework of various political parties. In 1980, a new land reform law was passed that allowed for the redistribution of both private and public property. This was replaced a few years later—on the grounds that it violated the sanctity of private property under Islamic law—by two new laws: one of these was aimed at addressing the question of the land seizures that had taken place at the beginning of the Revolution and the other allowed for the redistribution of land that remained uncultivated—usually for a period of one to two years.<sup>75</sup> It was during this early period of turmoil that the Islamic Revolutionary Council (Shurā-ye Enqelāb-Islami) began to assess the lands in the vicinity of Qasr-e Firuzeh that had been nationalized under the shah. Where it was found that land and property had been confiscated against people's wishes, the Council ruled that these should be returned to their rightful owners.<sup>76</sup> Qasr-e Firuzeh itself had also been nationalized and, from early on, the Revolutionary Guard, Sepāh e Pās-dārān, had realized its potential. Soon after the Revolution it had appropriated between 45 and 50 square kilometers to build a military barracks, thereby removing the area from the control of Tehran City Council. All property belonging to the Pahlavi dynasty, and to those connected to the court, was seized and taken over by the government. The Palace of Farahābād, which had belonged to the Pahlavi court and had been confiscated by Sepāh-e Pās-dārān, stood right at the entrance of the Qasr-e Firuzeh lands. After its occupation of the palace the Sepāh noted the usefulness of Qasr-e Firuzeh; not only was this prime real estate, but also of strategic value since it overlooked the city with a good view of the districts of Tehran and Shemirān. It was not long before more of the lands were appropriated by leaders of the Sepāh.<sup>77</sup>

<sup>73</sup>The paucity of first-hand narrative and/or anecdotal material available since 1979 means that an account of the latter part of the case is dependent mainly upon official documentation. I am grateful to Rastin Mehri for his work in translating these and other documents.

<sup>74</sup>Ali M. Ansari, *Confronting Iran* (London, 2006), 49. The *'ulamā* had been further alienated by the shah's intention to replace their authority with a new structure whereby religious institutions and *ulamā* would be controlled by the state. See Michael Axworthy, *Iran: Empire of the Mind* (London, 2007), 259.

<sup>75</sup>For a detailed account of the land seizures after the Revolution, the political parties that supported land redistribution, the committees that managed it and the subsequent amendment to the law, see Javad Amid, "Land Reform in Post-Revolutionary Iran Revisited," *Middle East Critique*, 18, no. 1 (2009): 80–82.

<sup>76</sup>The villages of Hamesin in Torkaman-deh and the Hāshem-Khāni Springs were among those assessed (*pelāk-hā* 4749 and 4748).

<sup>77</sup>This was later recorded in the *Hamshabri* newspaper 1388/2/12 (2 May 2009), no. 4823: 21–24.

Two years later, in September 1982, it was decided by the High Council for the Protection of the Environment (Shurāye Āli-ye Hefāzat-e Mohit-e Zist) that the entire lands of Qasr-e Firuzeh, together with other neighboring lands, should be designated national parkland. These lands were divided between various ministries, with the whole area of Qasr-e Firuzeh being put under the control of the Sepāh-e Pāsdārān.<sup>78</sup> Over the course of the next three months there were protracted negotiations between the TZA, the government and various ministries.<sup>79</sup> The outcome of various meetings and written communications was a report issued by the Head of the Department of the Central Province (Ostān-e Markazi) stating that, in implementing the decision taken in September, three hundred hectares of the *awqāf* land of Qasr-e Firuzeh would be given to the Sepāh-e Pāsdārān.<sup>80</sup> Rather surprisingly, in view of the land seizures, the Sepāh-e Pāsdārān then wrote requesting the Anjoman to allow them to use the Qasr-e Firuzeh lands to carry out a military exercise entitled: “Operation Freedom of Al-Qods.”<sup>81</sup> The Managing Committee of the Anjoman met and, in view of the fact that Iran was at war, gave permission to Sepāh to have regular access to Qasr-e Firuzeh lands for military training for the period of one year beginning in the autumn of 1362 (1983).<sup>82</sup> Between this time and 1988 the TZA wrote frequently to government ministers and members of Sepāh-e Pāsdārān complaining about the impact that the military installation was having on the *ārāmgāh*.<sup>83</sup> Particular consternation was voiced when the only asphalt road to the cemetery (paid for by Zoroastrian benefactors) was blocked so that Zoroastrians wishing “perform their religious duties and visit the tombs of their own martyrs of war” were told to take a longer

<sup>78</sup>Authorization number 2840, dated 1361/6/21 (12 September 1982).

<sup>79</sup>At a meeting held in January 1983, in the property section of the Ministry of Finance, the boundary between the lands of Qasr-e Firuzeh (*pelāk* 4478) and the 40 hectares of land belonging to the shah’s palace that had been subject to the forced sale (*pelāk* 4480) was agreed between all parties. Accordingly, a letter was sent to the Prime Minister’s Office and copied to the Department of Environment, the TZA, the Central Committee of the Islamic Revolution, the Property Records Office and the Department of Forestry, Ministry of Agriculture (letter no. 4689, dated 1361/10/27 [17 January 1983] and signed by the president of the property section of the Ministry of Finance and Economy). There followed an announcement by the Prime Minister’s Office (NM/8018, dated 1361/11/23 [12 February 1983]), and a letter (NM/329, dated 1362/1/17 [6 April 1983]) to the TZA (*Anjoman* archive no. 32/3560, dated 1362/1/20 [9 April 1983]), both pertaining to Qasr e Firuzeh.

<sup>80</sup>A copy of the report is kept in the TZA (report 21,171/100/10, dated 1361/11/14 [3 February 1983]). During the first decade of the Islamic Republic of Iran, the land seizure would increase from 300 hectares to approximately 4,500 hectares—that is, a large part of the original endowment.

<sup>81</sup>Letter no. 10/9-10-1045, dated 1362/8/11 (2 November 1983).

<sup>82</sup>The meeting was held on 1362/8/16 (7 November 1983), and the letter no. 32/4539, dated 1362/8/23 (14 November 1983), was sent to the Command Center of Sepāh-e Pāsdārān agreeing to their request to use the land for training purposes.

<sup>83</sup>Letter from the president of TZA to Hāshemi Rafsanjāni, speaker of the Majles, dated 1366/5/6 (28 July 1987); letter from TZA to Brother Shamkhari, minister of Sepāh, dated 1367/9/26 (17 December 1988); letter from the president of TZA to General Mohsen Rezā’i, dated 1367/9/2 (23 November 1988); letter from the Zoroastrian representative of the Majles, Mr Ziāfat, to Mr Larijāni, deputy of legal affairs of Sepāh, dated 1367/8/24 (15 November 1988).

route around the stadium.<sup>84</sup> Letters complained that people experienced difficulties visiting the cemetery, that prefabricated buildings were being put up on the land,<sup>85</sup> and also that controlled explosions broke all the glass in the hall of the *ārāmgāh*.<sup>86</sup>

In 1984 a law had been passed by the government of the Islamic Republic stating that the selling of *vaqf* lands was illegal, and that they should be returned to the use for which they were intended.<sup>87</sup> Subsequently, the Department of Environment (Sāzmān-e Hefāzat-e Mohit-e Zist) wrote to the head of Sepāh invoking Article 52 of the new Constitution and asking him to exclude Qasr-e Firuzeh from the list of areas where military exercises were performed because the land had been designated as national parkland.<sup>88</sup> It appears that this request was ignored because six years later the office of the head of state, Āyatollāh Khāmenei, ordered Dr Firuzābādi to look at the warnings that had been issued with respect to their seizure of lands in national parks, including one from the president's office, saying that they had been acting against the Constitution.<sup>89</sup>

After the government had annulled the nationalization and sale of *awqāf* lands, the TZA began legal proceedings to reclaim the Qasr-e Firuzeh lands. This was arranged in two separate briefs to a lawyer, the first to deal with the nationalization and the second with the cancellation of the (forced) sale of 40 hectares to the Ministry of Agriculture and Natural Resources in 1356 (1977). The Sāzmān-e Awqāf-e Iran ruled in favor of the TZA, stating that all the lands of Qasr-e Firuzeh belonged to it and that all the documents issued in the name of the Anjoman were valid and should be administered according to the original *vaqfnāme* which, since it was kept at the Anjoman, meant that there was no need to issue a new document of ownership.<sup>90</sup>

Seven years later at an AGM of the TZA (1378/9/26 [17 December 1999]) the subject of renting the section of Qasr-e Firuzeh to Sepāh-e Pāsdārān was raised. Despite the fact that clause 3 of the original *vaqfnāme* states that only building works that benefit Zoroastrians may be constructed on the lands (see above p. 13), the Sepāh had paid a sum over and above the agreed rent in order to secure the right of ownership of the properties and the right to build recreational facilities for

<sup>84</sup>Letter from TZA to Brother Akhavān of the Sepāh command centre based in Qasr-e Firuzeh, dated 1367/8/17 (8 November 1988).

<sup>85</sup>Letter from TZA to the Sepāh command centre, dated 1367/8/22 (13 November 1988).

<sup>86</sup>Letter from TZA to Sepāh command centre dated 1365/3/20 (10 June 1986).

<sup>87</sup>1363/1/28 (17 April 1984). A government committee (Committee number 2 of the Sāzman e Awqāf e Iran) was established to consider and renegotiate all the documents pertaining to the nationalization or sale of *vaqf* lands. Prime Minister Hossein Mousavi wrote to the Sāzmān-e Awqāf-e Iran revoking the law that had permitted the sale of *awqāf* water and lands (letter dated 1363/9/19 [10 December 1984]).

<sup>88</sup>Letter no. 1/5,527, dated 1363/10/10 (31 December 1984).

<sup>89</sup>The letter, no. 1/2,748 dated 1369/6/6 (28 August 1990) addresses Dr Firuzābādi as commander-in-chief of the army.

<sup>90</sup>Reference no. 662, dated 1370/02/16 (6 May 1991), and document no. 8543, dated 1371/09/08 (29 November 1992).

the military personnel who were housed there.<sup>91</sup> This payment was deemed illegal in view of the fact that, when the Sepāh had taken over the lands in 1361 (1982) they had been aware of the *vaqfnāmeḥ* of Qasr-e Firuzeh, including the ruling of clause no. 3, and the ruling by Imam Khomeini concerning *awqāf* lands. Therefore, they were not able to claim the right of ownership of the properties under any laws pertaining to *vaqf*. After various meetings between members of the Anjoman and Sepāh representatives it was agreed that, because there had been a signed agreement, the matter should be referred to Āyatollāh Khāmenei. If, as *Velāyat-e Faqīh*, he deemed it correct to change the terms of the *vaqfnāmeḥ*, then this would be done.<sup>92</sup> A report was sent to the office of Āyatollāh Khāmenei who said that the Sepāh should first obtain the agreement of the TZA before they could claim ownership of the properties on *vaqf* land. The Anjoman had already written a letter to the commander of support and operations of the Sepāh to say that the rental contract conflicted with clause 3 of the *vaqfnāmeḥ*.<sup>93</sup> The members of the Anjoman unanimously rejected the granting of the right of ownership of the properties of the *awqāf* lands to the Sepāh-e Pāsdārān of the Islamic Revolution.

The case of Qasr-e Firuzeh continues. Most recently part of the lands has been requested by Tehran municipality to facilitate the building of a new highway in east Tehran, named Shahid (martyr) Shooshtari in memory of those who died in the Iran–Iraq war. Although negotiations between the TZA and the municipality have been positive, part of this land is already leased to Sepāh who are asking for compensation from the TZA of 85 percent of the value of the land.<sup>94</sup> The president of the TZA, Dr Rostam Khosraviyāni, reported this matter to members. He also spoke, among other things, of the urgency of protecting other land and property owned by the TZA in Tehran.<sup>95</sup>

### Conclusion

The case of Qasr-e Firuzeh spans a transitional period in Iranian history that saw Iran become politically and socially more cohesive than ever before. Among the many changes that took place during this period was the growth of the city of Tehran, which transformed the Zoroastrian community, and accelerated its journey into modernity. Zoroastrians, in order to maintain their integrity as members of a minority religious community, as well to keep up with, and often to lead the advances in education, business and administration, were obliged to found and to fund their own institutions—both religious and social. They were well positioned to do this partly because of their relationship with co-religionists in India, and partly because of the tradition of self-help generated over centuries through the practice of religious charity.

<sup>91</sup>This sum was paid under the clause *pazīreh-ye ebtedā'i*, which means “initial acceptance” and is permitted, in certain circumstances, under *vaqf* law.

<sup>92</sup>Minutes of the meeting held on 1383/9/10 (30 November 2004).

<sup>93</sup>Letter dated 1383/8/12 (2 November 2004).

<sup>94</sup>Letter to Sepāh from Dr Rostam Khosraviyāni, dated 1389/5/10 (1 August 2010).

<sup>95</sup><http://www.berasad.com/fa/content/view/3815>.

Through an examination of religious charity in the pre-Islamic context, we are able to compare the authority of the Zoroastrian priesthood in the Sasanian period with that of laymen in the modern era. The pious foundations, both private and public, that were established during the Sasanian period had clear objectives; to benefit a person's soul, to preserve lines of succession and to ensure the transfer of wealth across generations. The religious motives for public charities are likely to have been reinforced by the clergy who benefited from a system that facilitated the accumulation of substantial wealth. Moreover, priests were responsible for the performance of religious ceremonies as well as for reminding people of their religious duties; for example rites of passage, initiation, marriage and death ceremonies had both religious and legal implications for pious foundations. The priesthood was further empowered by its relationship with the nobility and the fact that the *magapatān magupat* was responsible for judicial decisions as well as the formation of law. The decline in the authority of the priesthood in Iran was perhaps inevitable once it no longer enjoyed the patronage of a powerful monarch, the wealth in lands and property of an established church and a laity that was in a position to afford expensive ritual ceremonies. The opportunity to regain power and influence might have been realized with the growth of Parsi fortunes; however, the rise of the merchant classes, both in India and Iran, brought changes of a different sort.

The modern era, from the mid-eighteenth century, is marked by charismatic leadership within the Zoroastrian communities in India and Iran. Both conservative and reformist opinions came from those who, with the benefit of wealth and education, were chosen to manage the affairs of the community. Tensions that arose over social and religious issues were not so much between priest and layman, as between the older and younger generations, or between urban and rural populations; sometimes they were simply the result of different views of powerful individuals. It was leaders of the community such as Keikhosrow Shāhrokh and Arbāb Rostam Giv who introduced religious changes in the community—motivated by their own convictions as to how the religion ought to be interpreted and adapted to modern living. In time-honored fashion, the practical need for a facility that fulfilled religious criteria was addressed through religious charity. However, the founding of a cemetery involved the transition from exposure to burial—a major departure for the Iranian Zoroastrian community—and one that was driven largely by Keikhosrow Shāhrokh, a layman who was respected enough within the community to impose his religious views. Later, it was laymen and women rather than priests who objected vociferously to the idea of cremation.<sup>96</sup>

Although it would be unwise to extrapolate too much from a single case, it is the perceived inviolability of the ancient system of *vaqf* that was invoked again and again as the lands of Qasr-e Firuzeh were threatened with seizure by successive governments—often for opposing reasons. In the case of the Pahlavis, one of the motives for the nationalization of land was to curb the wealth of the clergy; in the case of the Islamic Republic, the primary reason for reclaiming *vaqf* land was to return it to its rightful

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<sup>96</sup>For the role of the Mobedān Council in Iran, see Stewart with Moavenat, *Zoroastrianism in Iran*.

owners according to Islamic law. In both instances, as the case of Qasr-e Firuzeh demonstrates, the appropriation of lands was part of a wider agenda—a political process whereby first Mohammed-Reza Shah, then Sepāh-e Pāsdārān, bypassed the laws governing *awqāf* in order to serve their own interests. The proliferation of bureaucratic systems—from the time of Mohammed-Reza Shah onwards—meant that it became increasingly difficult for the TZA to obtain a definitive judgment with respect to the lands. Regardless of the authority vested in a particular department, for example the Sāzmān-e Awqāf-e Iran, ultimate power lay with the Ministry of the Imperial Court when it came to forcing a sale of Kākh-e Firuzeh. Likewise the Sepāh-e Pāsdārān ignored the request of the Department of Environment to desist from performing military exercises on land designated as a national park; it ignored the provisions of the *vaqfnāmeḥ* which stipulate that buildings can only be constructed for the benefit of Zoroastrians and latterly appears to have ignored the injunction of the *Velāyat-e Faqīh* to obtain agreement from the TZA before claiming ownership of property on Qasr-e Firuzeh lands.

The case of Qasr-e Firuzeh can be seen to operate on at least four levels; first, we see that the case is informed by a legal system that has its roots in the pre-Islamic history of Iran; secondly, it bears witness to the changes that took place in the apparatus of government at national level, as well as within the internal governance of the community; thirdly, it gives an indication of the dynamics of change that involved urban and rural environments, generational issues and the relationship between Iranian Zoroastrians and Parsis. Finally, the case is significant because it shows how a charitable endowment that was subject to the laws that governed *awqāf*, themselves derived from a political process, became politicized or used as an instrument of power within a political sphere.